

REMARKS

Claims 1, 55-62, 64, 65, 68, 69 and 72-79 are now pending in the application. By way of this paper, Claims 63, 65, 67, 70 and 71 have been cancelled and Claims 75-79 have been added. Support for any claim amendments, claim additions and amendments to the specification can be found throughout the application as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

OATH/DECLARATION

The Declaration stands objected to as being defective. The Examiner contends that the Declaration only identifies four (4) inventors, while the Application Data Sheet names nine (9) inventors. For the reasons discussed herein, Applicants respectfully traverse the objection to the Declaration.

On 21 July 2006, a Request to Correct Inventorship was filed in which two inventors were dropped and one inventor added resulting in eight total inventors. On 14 November, 2006, Applicants submitted complete copies of the Declarations naming the proper inventive entity. A courtesy copy of these Declarations are included herewith in which a first copy bears the signatures of: (1) George GRECH, (2) Michael HARRIS, (3) Jason SMITH, (4) Steve MEYER, and (5) Brian KELLY, a second copy which bears the signature of (6) Michael FRITZ, a third copy which bears the signature of (7) Eric KRUPP, and a fourth copy which bears the signature of (8) Craig KARAGITZ.

Accordingly, a Declaration with the full name of each of the eight inventors has been provided. As such, Applicants respectfully submit that the objection to the Declaration has been overcome.

DRAWINGS

The drawings stand objected to under 37 C.F.R. 1.83(a) because they must show every feature of the invention specified in the claims, and, therefore, the reference line as set forth in Claim 67 must be shown or the feature cancelled from the claim. Claim 67 has been cancelled.

The drawings also stand objected to because, in Figure 8, the reference character 64, described in the specification as being a flexible cable, appears to be referencing a stray line connected to another stray line, and the lines are not in connection with the waste ball valve, as disclosed in the specification. Figure 8 has been amended to remove reference character 64 and the stray lines identified by the Examiner.

Applicants are attaching Replacement Sheet drawings for the Examiner's approval. Accordingly, Applicants respectfully submit that the objections to the drawings have been overcome.

VOLUNTARY AMENDMENTS

Applicants have made various voluntary amendments to the claims, including the preambles.

SPECIFICATION

The specification stands objected to for the following informalities:

- Page 2, Line 17 appears as if the line should read "driven by a flexible cable" instead of "driven by a flexible a cable";
- Page 7, Line 8 appears as if the line should read "a shroud 16" instead of "a shroud or shroud 16";
- Page 9, the reference character 44 is used to reference both the waste valve assembly and a central portion; and
- Figure 13a is not set forth in the brief description of the drawings.

Applicants have amended the specification in view of the objections and respectfully submit that the objections have been overcome.

The specification also stands objected to as failing to provide proper antecedent basis for the claimed subject matter as there is no support for the following language:

- "wherein the actuator is mounted to the flush toilet for rotation about a first axis and the waste ball valve assembly is mounted to the flush toilet for rotation about a second axis, the first axis being substantially perpendicular to the second axis" as set forth in Claim 59;
- "open rim operable to prevent splashing" as set forth in Claim 63; and
- "a reference line" as set forth in Claim 67.

Applicants have amended the specification to provide support for the identical claim language of claims 59 and 67. Support for the amendments to the specification can be found in the claims as originally filed. More specifically, support for the amendment to paragraph 51 is found in original claim 6, support for the amendment to paragraph 47 is found in original claim 22, and support for the amendment to paragraph 85 is found in original claim 26.

Accordingly, Applicants respectfully submit the objection to the specification has been overcome.

CLAIM OBJECTIONS

Claim 61 stands objected to for the informality that the language "the waste valve assembly is coupled to driven by a waste valve drive arm" is not in proper idiomatic English.

Applicant has amended Claim 61 to overcome this objection.

REJECTION UNDER 35 U.S.C. § 112

Claims 60-61 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Specifically, there is insufficient antecedent basis for the limitation "the flexible cable" in Claim 60. Claim 61 appears to have been objected to solely as being dependent upon a rejected claim. Applicant has amended Claim 60 to overcome this rejection of both Claims 60-61.

REJECTION UNDER 35 U.S.C. § 102 AND § 103

Claims 62-68 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Huffman et al. (U.S. Pat. No. 5,715,544). Claims 69-71 stand rejected as being anticipated by Fulton et al. (U.S. Pat. No. 3,599,248). Claims 72 and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fulton. Claim 73 stands rejected as being unpatentable over Fulton in view of Strzok (U.S. Pat. No. 5,974,596). Claims 1, 55 and 57-59 stand rejected as being unpatentable over Fulton in view of O'Brien et al. (U.S. Pat. No. 3,308,481). Claim 56 stands rejected as being unpatentable over Fulton and O'Brien as applied to Claim 1 above, and further in view of Sargent et al.

(U.S. Pat. No. 5,060,320). Claims 60-61 stand rejected as being unpatentable over Fulton and O'Brien as applied to Claim 1 above, and further in view of Fleming (U.S. Pat. No. 5,906,011). These rejections are respectfully traversed.

Independent Claim 1 has been amended to recite that the common actuator is connected to one of the waste ball valve assembly and the water valve assembly and that the waste ball valve assembly is coupled to the water valve assembly such that the common actuator drives the one of the waste ball valve assembly and the water valve assembly and movement of the one of the waste ball valve assembly and the water valve assembly resultantly drives the other of the waste ball valve assembly and the water valve assembly. Fulton teaches an actuator that directly drives both a waste valve and a water valve. The waste valve is not connected to the water valve. In other words, the arrangement of Fulton does not rely on movement of the waste valve to control movement of the water valve. The remaining art is similarly deficient. Furthermore, the invention defined by amended claim 1 would not have been obvious in view of the collective art of record.

Applicants note that the limitations of claim 1 concerning the various functional positions of the actuator have been moved to new claim 76. Additionally, Applicants have added new claims 76-79 which even further define the present teachings over the art of record. Applicants respectfully submit that Claim 1 and Claims 55-61 and 76-79 dependent therefrom are in a condition for allowance.

Independent Claim 69 recites a common sealing member for sealing a bowl to a base and for wiping a ball of a waste ball valve assembly as the waste ball valve assembly is opened and closed. Independent Claim 69 has been amended to even

further define the present teachings over the art of record. In this regard, Claim 69 recites that the common sealing member includes a cylindrical portion compressed between the base and the bowl to define a seal therebetween. Fulton fails to teach or suggest a compressible cylindrical portion compressed between a bowl and a base. Furthermore, the invention defined by amended Claim 69 would not have been obvious in view of the collective art of record.

Applicants have added new Claim 75 which even further defines the present teachings over the art of record. Applicants respectfully submit that Claim 69 and Claims 72-75 dependent therefore patentably define over the art of record.

Independent Claim 62 has been amended to recite that the bowl has a rear surface that is generally flat and vertical, the rear surface transitions to the ledge as the bowl continues clockwise and counter clockwise from the rear surface, a horizontal dimension of the ledge increasing as the ledge continues from the rear surface to a front of the bowl, an angle of the ledge increasing as the ledge continues from the rear surface to the front, a maximum slope of the ledge located proximate the front. Huffman teaches that the apertures of the nozzle are sized such that the two streams of water meet one another at the front side of the bowl. Huffman fails to teach or suggest the bowl configuration recited by Claim 1 that cooperates with the nozzle to provide improved coverage. For example, Huffman fails to teach or suggest a bowl having a ledge that increases in both circumferential directions from a rear surface to a front of the bowl both horizontal dimension and angle. The importance of these cooperating aspects is addressed in the specification at paragraph 48, for example.

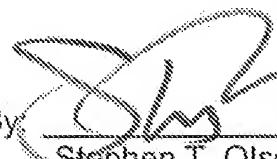
Dependent Claim 66 has been amended to recite an asymmetrical flow pattern in which the first flow of water circumferentially travels significantly further around the bowl compared to the second flow of water when the first and second flows of water converge.

Applicants respectfully submit that Claim 62 and Claims 64 and 66 dependent therefrom are in a condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,


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